

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN LAVEING,)	
)	
Plaintiff,)	
)	
v.)	2:19cv1095
)	Electronic Filing
NORFOLD SOUTHERN RAILWAY)	
COMPANY,)	
)	
Defendant.)	

MEMORANDUM ORDER

June 29, 2021

Plaintiff, Shawn Laveing (“Laveing” or “Plaintiff”), initiated this action against former employer, Norfolk Southern Railway Company (“Norfolk”) alleging violations of the Family Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”) and the Federal Railroad Safety Act, 49 U.S.C. § 20109, *et seq.* (“FRSA”). The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge’s Report and Recommendation (ECF No. 48), filed on December 16, 2020, recommended that the Motion to Enforce Settlement Agreement (ECF No. 45) filed by Laveing be denied. The Magistrate Judge found that that the parties did not reach an agreement on the essential terms of their bargain because they did not agree on the scope of the release. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Objections were filed by Laveing on December 23, 2020, and Norfolk responded to the objections on December 30, 2020.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 29th day of June, 2021,

IT IS HEREBY ORDERED that the Motion to Enforce Settlement Agreement (ECF No. 45) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 48) dated December 16, 2020, is adopted as the Opinion of the Court.

s/ DAVID STEWART CERCONI

David Stewart Cercone

Senior United States District Judge

cc: Gregory G. Paul, Esquire
Joseph P. Sirbak, II, Esquire

(Via CM/ECF Electronic Mail)